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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Appln of:** SCHMITZ **Atty. Docket No.:** LIP038  
**Title:** COOLING APPARATUS FOR COOLING AND PRESENTATION OF  
ICE CREAM  
**Serial No.:** 10/801,094  
**Filed:** MARCH 15, 2004

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT**

The references listed on the attached form PTO-1449 relate to the subject matter of the present invention and are brought to the attention of the Patent and Trademark Office pursuant to 37 C.F.R. 1.56 and 1.98.

DE 40 06 272 A1 and DE 34 42 968 C2 are not in the English language. By way of a brief description of the reference, an English language abstract for DE 40 06 272 A1 is enclosed. DE 34 42 968 C2 corresponds to US 4,573,329, which is in the English language. A copy of US 4,573,329 enclosed.

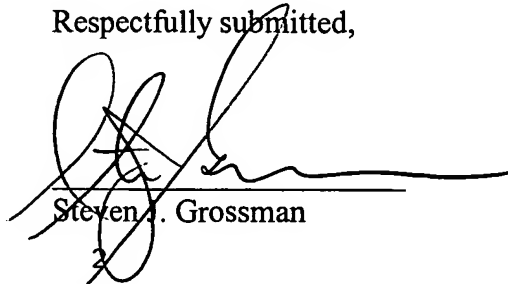
DE 87 17 307 U1 is not in the English language. The English abstract discloses a refrigerating device for storing and presenting ice cream having a cooling machine 36 that is arranged within a housing and is connected with a heat exchanger 34 for producing cold air 44, 46 for cooling the ice cream being arranged on the storing device. The device for storing the ice-cream is designed as a rotatable plate 14. In a distance to plate 14 an umbrella-like cold air

supply device 38 is arranged and at least one cold air passage 48 is provided. The plate 14 and the cold air supply device 38 are arranged concentrically to each other. The cold air is supplied via a stand pipe 22, protruding the plate 14 downwardly. The heat exchanger 34 is connected with the cooling machine 36 and surrounds a section 28 of the standby 22 that protrudes downwardly beyond the plate 14. The cold air supply device 38 is provided with at least two nozzles 40, 42 by which cold air 44, 46 can be applied to the ice cream 12 in flows with different flow velocity, whereby the flow velocity of the cold air 44 decreases from the ice cream 12 being arranged on the plate 14 in the radial outwardly direction. A fan blower 30 is arranged within the standpipe 22. The sidewalls 62 of the upper part 58 of the housing are provided with insulating glass and an end cap 64 covering at least the space being surrounded by the isolating glass 62 and having at least one lateral opening for manual operations.

This statement is being submitted prior to a first office action on the merits. While this statement contains all the relevant information presently known to the applicant, it should not be interpreted as a representation that an exhaustive search has been conducted or that no other relevant information exists. Also, this statement should not be interpreted as a representation that any cited reference is prior art, or that any cited reference is "material to patentability" as defined in 37 CFR §1.56. The applicant invites the Examiner to make an independent evaluation of each cited reference, copies of which are enclosed, to determine their relevance to the subject matter of the present application.

Finally, the applicant urges that the claims are patentable over the disclosed information.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on August 17, 2004 at Manchester, New Hampshire.

By April T. Davis

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.  
LIP038

In Re Application Of: **SCHMITZ ET AL**

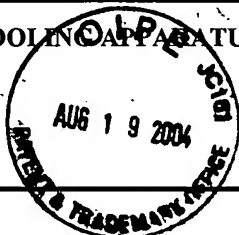
Serial No.  
10/801,094

Filing Date  
MARCH 15, 2004

Examiner

Group Art Unit

Title: **COOLING APPARATUS FOR COOLING AND PRESENTATION OF ICE CREAM**



Address to:  
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P.O. Box 1450  
Alexandria, VA 22313-1450

**37 CFR 1.97(b)**

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

**37 CFR 1.97(c)**

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

☐ the statement specified in 37 CFR 1.97(e);

**OR**

☐ the fee set forth in 37 CFR 1.17(p).

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.  
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**COOLING APPARATUS FOR COOLING AND PRESENTATION OF ICE CREAM**



**Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☐ The Director is hereby authorized to charge and credit Deposit Account No. \_\_\_\_\_ as described below.
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I certify that this document and fee is being deposited on August 17, 2004 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Signature of Person Mailing Correspondence

April Davis

\_\_\_\_\_  
Typed or Printed Name of Person Mailing Certificate

Dated: August 17, 2004

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# INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Docket Number (Optional)

LIP038

Application Number

10/801,094

Applicant(s)

SCHMITZ ET AL

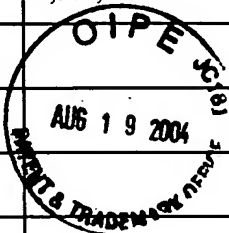
Filing Date

MARCH 15, 2004

Group Art Unit

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1	4,573,329	3/4/1986	CAVALLI	62	342	



## FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
							YES	NO
	2	DE 40 06 272 A1	9/4/1991	German w/English abstract	A47F	3/04		✓
	3	DE 87 17 307 U1	8/25/1988	GERMAN	F25D	25/00		✓

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)


EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.